



Action Agenda

Board of Commissioners
March 24, 2011
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, March 24, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Herb Frady, Chairman
Robert Horgan, Vice Chairman
Steve Brown
Lee Hearn
Allen McCarty

Staff Present:

Jack Krakeel, County Administrator
Carol Chandler, Executive Assistant
Floyd L. Jones, Deputy Clerk

Staff Absent:

Scott Bennett, County Attorney

Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the March 24, 2011 Board of Commissioners meeting to order at 7:01 p.m. Commissioner Hearn gave the Invocation and led the Audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Brown moved to amend the Agenda by adding an Agenda Item under New Business: authorization for county staff to restore transportation priorities due to severe budget constraints, restricting spending on lower priority projects, ensuring completion of the number one priority T-SPLOST project (East Fayetteville Bypass). Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Hearn moved to accept the Agenda as published. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION/RECOGNITION:

1. Presentation of Resolution recognizing the birthday of the American Legion.

Commissioner Horgan presented a resolution to American Legion Posts 50 and 105 recognizing the birthday of the American Legion.

2. Presentation of Proclamation for Healthcare Decisions Day on April 16, 2011.

Commissioner Horgan gave and presented the proclamation for Healthcare Decisions Day on April 16, 2011.

PUBLIC COMMENT:

Dennis Chase: Mr. Dennis Chase spoke about how both the East and West Fayetteville Bypasses are not consistent with Fayette County's Comprehensive Land Use Plan, about his concerns about the environmental impacts caused by the bypasses, and how he continued to be opposed to the bypasses. He ended his comments saying both the East and West Fayetteville Bypasses have "clear alternatives" that will not have impact the environment as severely.

Stephen Costello: Mr. Stephen Costello asked for the Board to help him get a couple of commercial properties cleaned that are in a residential neighborhood. He said the properties were originally zoned Commercial in approximately 1978, and he had lived in the area since 1985. He explained that there have been no issues until recently when the current property owners have forgotten about County ordinances. He told the Board that he has been trying for about two years to get help to get the properties cleaned, and that the problems have only grown worse. He provided pictures to the Board of the properties under discussion. He informed the Board that the problem areas were detracting from the value of his home. Commissioner Brown suggested that Mr. Costello write a letter to each of the Commissioners and to provide details.

Ginga Smithfield: Mrs. Ginger Smithfield spoke about how the County shifted its priority from the construction of the East Fayetteville Bypass to the West Fayetteville Bypass. She said that former Chairman Jack Smith, in 2008, informed citizens that the West Fayetteville Bypass was approved in the 2004 SPLOST referendum and that was why it was being constructed. She noted that the East Fayetteville Bypass was also voted upon by the citizens in the 2004 SPLOST referendum as the number one priority project. She continued that Commissioners Frady, Hearn and Brown, as members of the Association of Fayette County Governments (AFCG), designated the East Fayetteville Bypass as the number one priority project, at the October 28, 2003 AFCG meeting. She said she is asked by a number of citizens if the reprioritization of the bypasses could be a misappropriation of County funds since Fayette County's taxpayers are not getting what they paid for. She requested that the Board stop spending all SPLOST funds currently designated for the West Fayetteville Bypass and reallocate the funds to the East Fayetteville Bypass.

Steve Smithfield: Mr. Steve Smithfield said he wanted his comments to be primarily directed to Chairman Frady and Commissioners Hearn and Horgan who support the construction of the West Fayetteville Bypass recently named "Veterans Parkway". He said the citizens are now being told that the bypass was never intended to be a bypass but a parkway. He reminded the Board that for over two years the Commissioners have heard negative comments and read negative articles about the West Fayetteville Bypass, and that while there have not been any positive comments and there is no proof is available justifying the bypass, the Board continues to support its construction. He told the Board that the platforms that defeated the two previous commissioners were stopping the West Fayetteville Bypass, the defeat of the SPLOST referendum, and mass transit issues. He said commissioners were to work for the people and when a majority of the people vote issues the Board supports they show they do not approve of the way "things are going", and

yet the citizens are getting more of the same results. He said the Board was essentially telling the voters that they were wrong and that the West Fayetteville Bypass will not be stopped. He then spoke about how the priorities shifted from the East Fayetteville Bypass to the West Fayetteville Bypass. He said justice would be served to the voters of the 2004 SPLOST if the Board suspended work on Phase II of the West Fayetteville Bypass and transfer the bypass funding to the East Fayetteville Bypass where it rightfully should be.

Mrs. Stuart Barnes: Mrs. Stuart Barnes stated she was against three items: 1) the West Fayetteville Bypass, 2) Mass Transit, and 3) for Fayette County to participate in the City of Fayetteville's TAD. She explained her third item first, saying she was opposed to it since the two downtown areas that want to be developed by the City of Fayetteville have one area that is vacant where taxes are not being paid. She said that vacant area can be rented. She continued that there are many places for senior citizens to go to without providing more areas. She did not feel tax funds should be utilized for redevelopment purposes. She closed speaking briefly about her opposition to mass transit and said the best solution is to get out of the regional mass transit plan.

Denise Ogino: Ms. Denise Ogino told the Board she had questions related to Old Business 9 listed on the Agenda. She asked if the public was provided full information on the item. She asked why the public was not given full information. She understood there are ten-counties in the Atlanta Regional Commission (ARC), and if six of them vote for Fayette County to have rail service, then Fayette County will have rail service. She asked for clarification on that issue. She further asked that the Commission would ensure that the East Fayetteville Bypass is fully funded before construction on Phase II of the West Fayetteville Bypass or before any other 2004 SPLOST projects begin.

Andrea Lyle: Ms. Andrea Lyle informed the Board that last time she spoke to it she had announced she found a new job at Goodwill, however, since then she left her employment due to a nepotism conflict. She suggested that the Board reserve funding in its Fiscal Year 2012 budget to hire her to work in the Office of the Board of Commissioners. She further spoke against the East and West Fayetteville Bypasses and requested that the current roads be maintained.

Tom Halpin: Mr. Tom Halpin first spoke about the school bus accident at the intersection of Harp and Redwine Roads, and that there will not be a traffic light installed there should Phase III of the West Fayetteville Bypass be constructed. He mentioned that a school resource officer had been recently struck by a vehicle in front of Whitewater Middle School, and again suggested that if the West Fayetteville Bypass is constructed there would be no traffic light available to control traffic while funneling "much more traffic in front of our schools which is already a dangerous situation." He then stated that the main reason he was speaking was because "actions will speak louder than your words", that he heard "a bunch of words" coming from different Commissioners about how they are not for mass transportation in Fayette County, but when it came time "for action they voted for it." He said the situation now exists where there is a possibility for mass transit in Fayette County and numerous Board members have expressed in various ways that it is not going to happen as they are against it, but when the time comes to vote they vote in favor of mass transit. He next spoke about the naming of Veterans Parkway, and referenced the February 24, 2011 minutes and Chairman Frady's comments and actions regarding the name "Veterans Parkway."

David Hall: Mr. David Hall said the citizens at tonight's meeting were well spoken, and he reminded the Board that the citizens were there to help the Board perform its job even better. Secondly, he said the citizens have been supplying arguments on many issues that are "overwhelming", and it is known to both the Board and the citizens that the West Fayetteville Bypass is a faulty idea since it "does not work." He said he was pleased with Mr. Halpin's comments that actions speak far more than words. He said the people in Fayette County are largely informed. He continued that he is happy with what has been happening in the past several months since people have been brought to the "cause of liberty because many things have been happening which have not been happening in a way they are happening properly." He said some of the "judgment seats" in the room had not been operating properly "which the people of the

county have bestowed upon them, trusting them to bring this county to a better tomorrow.” He mentioned that the media was a fourth “check-and-balance” and he said he was thankful for the involvement they have had in seeing truth being published. He said he trusted in God, and that God would see the county turn to a better direction. He concluded that the East Fayetteville Bypass should “be an agenda item that should be funded before the West Fayetteville Bypass”, and that the West Fayetteville Bypass should never be funded. He said the West Fayetteville Bypass leads to nowhere and crime will increase.

Tom Waller: Mr. Tom Waller began by saying he is not an impacted property owner for the West Fayetteville Bypass. He said he has attended Board meetings for the approximately 1½ years, to learn what the Board is doing. He said he was recently surprised to learn that the County had shifted funding from the East Fayetteville Bypass which was first priority to the West Fayetteville Bypass. He continued that in all of the meetings he attended, there was nothing presented that the shifting of funds would be executed and why the funds would be shifted. He explained that previously he had asked to see the demand data telling why the West Fayetteville Bypass was needed, but the information was never supplied. He said if the County’s treasure would be spent on “roads to nowhere”, then the Board is in the wrong business since it is “misconstruing what the taxpayers’ want.” He spoke about his property that he and his family have been living on since after the Civil War, and have been paying taxes on it “since taxes were due.” He said he did not expect his elected Commissioners to spend the County’s treasure “in such a wanton and wasteful manner as funding of the West Fayetteville Bypass.”

Pat Earnest: Ms. Pat Earnest, who lives at the intersection of Redwine Road and Ebenezer Church Road, told the Board that she will obviously be personally and heavily impacted by the West Fayetteville Bypass. She told the Board that her family calls Redwine Road “Redwine International Raceway” because there is so much traffic on Redwine Road and Ebenezer Church Road. She told the Board that “many years ago, when there was much less traffic and many fewer people, my daughter was struck by a car and killed on Redwine Road.” She mentioned that there is a lot more children now, that there is a lot more traffic now, and that she wished the Board would take that into consideration when “you funnel that much more traffic down that intersection and down that part of the county.”

CONSENT AGENDA:

Chairman Frady asked for Item 7 to be removed from the Consent Agenda.

Commissioner Brown asked for Items 3 and 5 to be removed from the Consent Agenda.

Commissioner Hearn moved to approve Consent Agenda Items 4 and 6. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

- 3. Approval of staff’s recommendation to extend Bids # 709 and 749, Grass Mowing, to SSFW Landscape Management and Star Valley Landscape for an additional year, beginning July 1, 2011, at an aggregate cost of \$61,521.00.**

Commissioner Horgan moved to approve Consent Item 3 as presented. Commissioner Hearn seconded the motion. Discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

- 4. Approval of staff’s request to award Proposal #P781 to Sivad Business Solutions for the purchase of Imaging Software and three Fujitsu scanners, at a total cost of \$10,550.00, for use by the Elections Department, including \$2,865 to come from the County’s Contingency Account.**

5. **Approval of staff's recommendation to enter into a three-year agreement with Deltacom for Primary Rate Interface (PRI) telecommunication circuit service at four county locations, and authorization for the Chairman to execute said agreement.**

Commissioner Horgan moved to approve Consent Agenda Item 5 as presented. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

6. **Approval of the Sheriff's request to authorize the Chairman to execute title documents and all other required documents related to the disposal of a totaled patrol vehicle assigned to the Fayette County Sheriff's Department- Field Operations Division, and for funds rendered to Fayette County to be placed in the General Funds- Insurance Recovery Line Item.**

7. **Approval of February 24, 2011 Board of Commissioners Minutes, the March 2, 2011 Board of Commissioners Workshop Minutes, and the March 10, 2011 Board of Commissioners Minutes.**

Commissioner Horgan moved to approve the February 24, 2011 Board of Commissioners Minutes and the March 2, 2011 Board of Commissioners Workshop Minutes. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Horgan moved to approve the March 10, 2011 Board of Commissioners Minutes. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Brown abstaining from the vote.

OLD BUSINESS:

8. **Consideration of Resolution No. 2011-06 which withdraws support for local legislation associated with Resolution 2010-22 which related to introducing legislation to amend certain provisions of the local act creating the Fayette County Board of Elections, specifically how the process for appointment of its members occurs.**

Commissioner Horgan moved to adopt Resolution 2011-06 to withdraw support of legislation that would have altered the process for how appointments to the Fayette County Board of Elections must occur. Chairman Frady seconded the motion. No discussion followed. The motion passed unanimously.

9. **Consideration of a "Joint Resolution to Support the Transportation Investment Act of 2010 Project Submittal".**

Director of Public Works Phil Mallon distributed a report to the Board entitled *Fayette County Project Submittals- Transportation Investment Act of 2010: DRAFT- Pending Review by the BOC*. The report listed 37 separate projects and five suggested letters of support. County Administrator Jack Krakeel and Mr. Mallon then discussed this report with the Board.

Commissioner Horgan moved to adopt the "Joint Resolution Supporting the Transportation Investment Act of 2010 Project Submittal" and to remove Project Number 11- Regional Mobility Management Call Center from the Project Submittals list. Commissioner Hearn seconded the motion. Discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

10. **Consideration of a resolution approving an Agreement of Sale with the Fayette County Public Facilities Authority and a Bond Purchase Agreement with the Authority and Merchant Capital, L.L.C. relating to the issuance by the Authority of its Refunding Revenue Bonds, Series 2011, for the Justice Center and Jail, and for other related purposes.**

Commissioner Brown moved to table Old Business Item 10 to the April 6, 2011 Board of Commissioners Workshop Meeting. Commissioner McCarty seconded the motion. Discussion followed. The motion failed 2-3 with Chairman Frady, Commissioner Hearn, and Commissioner Horgan voting in opposition.

Commissioner Horgan moved to adopt a resolution approving an Agreement of Sale with the Fayette County Public Facilities Authority and a Bond Purchase Agreement with the Authority and Merchant Capital, L.L.C. relating to the issuance by the Public Facilities Authority of its Refunding Revenue Bonds, Series 2011, for the Justice Center and Jail, and for other related purposes, and authorization for the Chairman to execute those documents on behalf of Fayette County and to take all necessary steps in furtherance of the 2011 Bonds. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

11. **Consideration of the Water Committee's recommendation for Mallett Consulting to design engineering plans and to oversee the subsequent bidding process pertaining to the Magnetic Ion Exchange (MIEX) process for removal of Total Organic Carbons at the Crosstown Water Treatment Plant and the South Fayette Water Treatment Plant.**

Commissioner Hearn moved to approve the Water Committee's recommendation to authorize Mallett Consulting to design engineering plans and to oversee its subsequent bidding process pertaining to the Magnetic Ion Exchange process for removal of Total Organic Carbons at the Crosstown Water Treatment Plant and the South Fayette Water Treatment Plant; and to authorize the Chairman to sign the necessary contract with Mallett Consulting contingent on the County Attorney's review. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

NEW BUSINESS

12. **Authorization for county staff to restore transportation priorities due to severe budget constraints, restricting spending on lower priority projects, ensuring completion of the number one priority T-SPLOST project (East Fayetteville Bypass).**

Prior to the start of the Commission Meeting, Commissioner Brown distributed a report entitled *Fayette County Transportation SPLOST-321 Recommendations* to the Board in which Projects were highlighted in either red, yellow, or green colors. He also informed all present that this item was not placed on the agenda due to a clerical error.

Commissioner Brown moved to halt any SPLOST funding directed to the lower priority red highlighted projects on the attached list and also move that any spending on the lower priority yellow highlighted projects be frozen along with any projects dropped by the county or municipalities until the East Fayetteville Bypass, the number one priority project of the county is completed. Commissioner McCarty seconded the motion.

Commissioner Hearn informed Commissioner Brown that this was the first he had been notified of this item, and that he had not had sufficient time to read and study the issue under discussion. He asked for the item to be tabled until the April 6, 2011 Board of Commissioners Workshop Meeting.

Commissioner Brown agreed to table the item until April 6, 2011 and withdrew his motion. Commissioner McCarty withdrew his second. The item was tabled until the April 6, 2011 Board of Commissioners Workshop Meeting.

Commissioner Hearn moved to place the item on the April 6, 2011 Board of Commissioners Workshop Agenda. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

REPORTS:

ADMINISTRATOR'S REPORTS

There was no Administrator's Report.

COMMISSIONERS REPORTS

Commissioner Allen McCarty: Commissioner McCarty commented about World War I and about some facts he had learned about the war that he had hoped to share earlier during the recognition of the American Legion. He spoke about how slugs were valuable commodities in World War I, about the federal government paying as much as a nickel a piece for them, and about how the chemical gasses used against the troops was a strong irritant to slugs. He said that the slugs were about 45 minutes quicker at discerning minute traces of the gas and were the best detectors of gas that the federal government had.

Commissioner Lee Hearn: Commissioner Hearn addressed Ms. Ogino's concern about public rail transportation coming into Fayette County, and if six counties out of ten voted for public rail transportation then was Fayette County obligated to take it. He answered that Fayette County would not be obligated to take public rail transportation and he explained that answer. He also spoke about the East and West Fayetteville Bypasses and how, at the Commissioners' Retreat Meeting in January 2009, an open discussion with media present took place during which the Board reached a consensus to move forward with the West Fayetteville Bypass and not the East Fayetteville Bypass. He said the reason consensus was reached on this matter was because more people would be able to use the West Fayetteville Bypass at that time than would be able to use the East Fayetteville Bypass. He emphasized there were no backroom deals and nothing inappropriate was done. He sympathized with the Smithfield family and other families that would be negatively impacted by the West Fayetteville Bypass, and he challenged the citizens to look at the bigger picture with respect to the West Fayetteville Bypass.

Commissioner Steve Brown: Commissioner Brown spoke about the Georgia Regional Transportation Authority (GRTA) and how they are a great example of regional authority since the legislation establishing it allows it to do whatever it wants to do. He said when he was mayor of Peachtree City, there were two instances when GRTA "told" Peachtree City it was going to build two roads, and it culminated in a face-to-face contest in Atlanta with the GRTA's attorney and several GRTA members. He said at that time Fayette County joined with Peachtree City to "fight GRTA off." He repeated that GRTA has that kind of power. He noted that GRTA was not set up for mass transit and that is why they have not had success in that arena. He stated that in next year's legislative session there would be the creation of a regional transit authority, and that regional transit authority will have some of the same type of authority that GRTA has, and they will be in a position to tell jurisdictions what to do. He said if you look at the ten counties in the metropolitan Atlanta area, they do not really resemble Fayette County, and what the other nine counties may want and may think is beneficial to them could be extremely detrimental to Fayette County. He said the problem is the will of the transit authority, whatever that will may be. He said when Commissioner Hearn tells you about a local jurisdiction being able to say it does not want to participate in a plan, the Commissioner is correct --until the legislative session creates a regional transit authority. He continued this is the reason he was trying to get Fayette County out of the regional mass

transportation plans, because once the County is in the plan, and that authority is created, and they have those types of powers, it is not a matter of "Fayette County will you please do this" but its going to be "Fayette County here is what you are going to do." He also spoke about comments concerning Peachtree City Mayor Don Haddix and the concept of "changing regions" and how the mayor's comments caused the city to lose funding at the regional level. He said he had personally corresponded with the public relations person at the Atlanta Regional Commission (ARC) who handles transportation issues, and that person told him that was absolutely not the reason why the city lost funding. Instead, he reported that Peachtree City lost funding because they did not build their projects.

Chairman Herb Frady: Chairman Frady replied to Commissioner Brown saying GRTA does not have "very much teeth" to start with and provided some examples of their weakness. He stated that GRTA does not have any power at all with concerns to zoning since they cannot zone, and that the counties have the power to zone property based on legislation passed in 1957, and that power has not been given to GRTA. He said the counties' power keeps "a lot of things outside of the county", and implied that Fayette County has zoned to keep mass transportation out of Fayette County. He concluded that not one person has come to the Board and stated that Fayette County is a bad place to live, and that he had been a part of county politics for 23 years.

EXECUTIVE SESSION

Real Estate Acquisition and Personnel: County Administrator Jack Krakeel announced he had items concerning Real Estate Acquisition and Personnel to discuss in Executive Session.

Commissioner McCarty moved to recess into Executive Session to discuss items concerning Real Estate Acquisition and Personnel. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:16 p.m. and returned to Official Session at 9:36 p.m.

Executive Session Affidavit: Chairman Frady asked for the record to reflect that the Board discussed one Real Estate item and the Board had no consensus to pursue it, and that the Board discussed one personnel problem and the Board gave the County Administrator direction on how to proceed with the issue.

Commissioner Brown moved to authorize the Chairman to sign an Executive Session Affidavit stating that items of Real Estate Acquisition and Personnel were discussed in Executive Session. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT

Commissioner McCarty moved to adjourn the March 24, 2011 Board of Commissioners meeting. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners Meeting adjourned at 9:37 p.m.

Floyd L. Jones, Deputy Clerk